

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n No.	:	10/665,722	Confirmation No.	:	4650
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First Named Inventor	:	Victor Morozov			
Atty. Docket No.	:	GMU-08-013U			
Art Unit	:	1641			
Examiner	:	Jung, Unsu			

Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT

Dear Examiner,

This response is a reply to the Supplemental Restriction Requirement dated December 16, 2008, having a shortened statutory period that expires on January 16, 2009.

With respect to **Election/Restrictions**, Applicants hereby elect with traverse the following particle types species to be examined: "3", which is drawn to "magnetic particles" of claims 23-30.

The claims encompassing the elected species are claims 23-30. Claim 23 is dependent on claim 22, which is dependent on Independent Claim 21. Claims 24, 27, and 29 are dependent on claim 23. Claim 26 is dependent on Claim 25, which is dependent on claim 24. Claim 28 is dependent on claim 27. Claim 30 is dependent on claim 29.

The limitations of dependent claim 23 involve related, overlapping subject matter, namely immobilized particles on the second probe molecules. The main point to take away is that the present invention teaches introducing a suspension of secondary probe molecules having immobilized particles to detect analytes bound to first probe molecules. The particles listed in

claim 23 are merely examples of various kinds of particles that can be used. See e.g., Specification, para. [0109]-[0111], [0164], [0213]. Hence, it may be possible for the search to be directed towards the overall immobilization as opposed to a specific type of particle. If this possibility is the case, perhaps a search may be carried out without an undue burden on the examiner. "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." See MPEP § 803. Accordingly, withdrawal of the restriction is respectfully requested.

Respectfully submitted,

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